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DATE FILED: 11/4/2021

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMAHL BRACEY,

Plaintiffs,

-against-

CITY OF NEW YORK, POLICE OFFICER JONATHAN  
RUIZ, SERGEANT THOMPSON, and ONE OTHER  
UNKNOWN POLICE OFFICER,

Defendants.

1:20-cv-06768-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

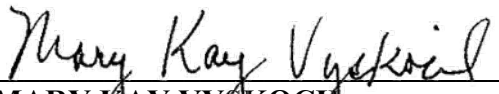
On August 30, 2021, the Court entered an Order directing Plaintiff to serve the summons and Complaint on Defendants on or before September 30, 2021, or to show cause why service has not been made. [ECF No. 31]. The Court warned that failure to comply with the Court's Order would result in dismissal of the action for failure to prosecute. After Plaintiff failed to comply with the Court's order, on October 1, 2021, the Court entered a second order directing Plaintiff to serve the summons and Complaint on Defendants on or before November 1, 2021, or to show cause why service has not been made. [ECF No. 32]. The Court again warned that failure to comply with the Court's Order would result in dismissal of the action for failure to prosecute. To date, Plaintiff has not filed proof of service, shown cause why service has not been made, or taken any other action to prosecute the case.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by December 4, 2021. If no such application is made by that date, today's dismissal of the action is with prejudice. *See*

*LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

**SO ORDERED.**

**Date: November 4, 2021**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**